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Attorneys for Plaintiff

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT  
YELLOWSTONE COUNTY**

9 MARILYN MARCHINEK,

10 Plaintiff,

11 -vs-

12 SAFECO INSURANCE COMPANY,

13 Defendant.

Cause No. **D.V. 17-0420**

**Michael G. Moses**

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

**120/135425**

15 COMES NOW Marilyn Marchinek and for her claims for relief against defendant

16 Safeco Insurance Company alleges as follows:

**JURISDICTION AND VENUE**

18 1. Marilyn Marchinek owns a home located at 2507 Howard Avenue, Billings,  
19 Montana 59102.

20 2. Defendant Safeco Insurance Company is an insurance company licensed to do  
21 business in Montana. It is a member of the Liberty Mutual Group and has its principal place

**EXHIBIT**

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**A-1**

1 of business at 175 Berkeley Street, Boston, Massachusetts, 02116.

2 3. Jurisdiction and venue are proper in this Court.

3 **COUNT I: BREACH OF CONTRACT**

4 4. Safeco issued Insurance Policy HOM-7030/EP R1 1/09 to Marilyn Marchinek.  
5 The Policy insured Ms. Marchinek for the damage to her home caused by a severe hail storm  
6 on May 21, 2016. The hail damage to Ms. Marchinek's roof, siding, windows, etc. was so  
7 extensive that they had to be replaced.

8 5. Safeco has breached its insurance contract with Ms. Marchinek by failing to  
9 pay her for the full cost of replacing the roof, siding, and windows. Under the terms of its  
10 Policy, Safeco owes Ms. Marchinek for the full replacement cost of the damage caused to her  
11 home by the hail storm, plus prejudgment interest on that amount.

12 **COUNT II: TORTIOUS BREACH OF THE IMPLIED COVENANT OF GOOD  
13 FAITH AND FAIR DEALING**

14 6. There is a special relationship between Ms. Marchinek and Safeco Insurance.

15 7. Safeco Insurance owed a duty of good faith and fair dealing to Ms. Marchinek.

16 8. Safeco breached its duty of good faith and fair dealing to Ms. Marchinek,  
17 causing her damages in an amount to be determined at trial.

18 WHEREFORE, having set forth its claims for relief against defendant Safeco  
19 Insurance Company, Ms. Marchinek prays:

20 1. That judgment be entered against the defendant and for plaintiff Marilyn  
21 Marchinek for all damages she is entitled to recover under Montana law;

1           2.       For Ms. Marchinek's attorney fees costs incurred herein; and

2           3.       For such other relief as this Court deems just and proper.

3                               **DEMAND FOR JURY TRIAL**

4       Plaintiff requests a trial by jury on all triable issues.

5       DATED this 27<sup>th</sup> day of March, 2017.

6                               HARRIS, GANNETT & VARELA, PLLC

7                               By 

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